

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) CR. NO. 3:07cr108-WHA
)
TOMMIE PAIREE JOHNSON)

UNITED STATES OF AMERICA'S MOTION
FOR A FINAL ORDER OF FORFEITURE

The United States of America, by its undersigned counsel, respectfully submits its Motion for a Final Order of Forfeiture in the above-entitled case and states as follows:

That on October 31, 2007, this Court entered a Preliminary Order of Forfeiture ordering defendant Tommie Pairee Johnson to forfeit:

One Bushmaster, .223 Caliber Rifle, model
XM15-E2S, bearing serial number BF1463411;

One Romarm/Cugir, .762 Caliber Rifle, model
GP WASR-10, bearing serial number SN AJ-0464-81;

One Remington, .22 Caliber Rifle, model 552,
bearing no serial number.

That notice of this forfeiture and of the intent of the United States to dispose of the firearms in accordance with the law as specified in the Preliminary Order of Forfeiture, and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the firearms was published in the Montgomery Independent newspaper on December 13, 20 and 27, 2007; and,

That no petitions of interest were filed within that thirty-day period. Therefore, any third-party interests are barred by failure of those parties to file a timely petition.

Accordingly, the United States respectfully requests that this Court enter a Final Order of Forfeiture as proposed in the attached Order.

Defense counsel does not oppose entry of a Final Order of Forfeiture.

Respectfully submitted this 28th day of January, 2008.

FOR THE UNITED STATES ATTORNEY
LEURA G. CANARY

/s/John T. Harmon
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CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2008, I electronically filed the foregoing Motion for Final Order of Forfeiture and Proposed Final Order of Forfeiture with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/John T. Harmon

John T. Harmon

Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA)
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 v.) CR. NO. 3:07cr108-WHA
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TOMMIE PAIREE JOHNSON)

FINAL ORDER OF FORFEITURE

WHEREAS, on October 31, 2007, this Court entered a Preliminary Order of Forfeiture, ordering defendant Tommie Pairee Johnson to forfeit the following firearms:

One Bushmaster, .223 Caliber Rifle, model XM15-E2S, bearing serial number BF1463411;

One Romarm/Cugir, .762 Caliber Rifle, model GP WASR-10, bearing serial number SN AJ-0464-81; and,

One Remington, .22 Caliber Rifle, model 552, bearing no serial number.

The United States published notice of this forfeiture in the Montgomery Independent newspaper in accordance with the law and as specified in the Preliminary Order, and further notified all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the firearms;

No timely petition has been filed; and,

The Court finds that defendant Tommie Pairee Johnson had an interest in the firearms that are subject to forfeiture pursuant to Title 18, United States Code, Section 924 and Title 28, United States Code, Section 2461(c). The United States has established

the requisite nexus between such firearms in the commission of the violation of Title 18, United States Code, Section 924(c)(1)(a)(i).

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The following firearms are hereby forfeited to the United States pursuant to Title 18, United States Code, Section 924 and Title 28, United States Code, Section 2461(c):

One Bushmaster, .223 Caliber Rifle, model XM15-E2S, bearing serial number BF1463411;

One Romarm/Cugir, .762 Caliber Rifle, model GP WASR-10, bearing serial number SN AJ-0464-81; and,

One Remington, .22 Caliber Rifle, model 552, bearing no serial number.

2. All right, title and interest to the firearms described above are hereby condemned, forfeited and vested in the United States of America and shall be disposed of according to law;

3. The United States District Court shall retain jurisdiction in the case for the purpose of enforcing this Order; and,

4. The Clerk of the Court shall forward two certified copies of this Order to the United States Attorney's Office.

SO ORDERED this the ____ day of _____, 2008.

UNITED STATES DISTRICT JUDGE